

## Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 EB-07 AID-05 DHA-02 AF-08 ARA-10 EA-09

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R 302324Z APR 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 7242

UNCLAS SECTION 1 OF 2 USUN 1885

E.O. 11652: N/A

TAGS: ECOSOC, SHUM

SUBJECT: 60TH ECOSOC-HUMAN RIGHTS

1. FOLLOWING IS TEXT OF STATEMENT DELIVERED DURING GENERAL  
DEBATE ON HUMAN RIGHTS, AGENDA ITEM 7, BY LEONARD GARMENT,  
US REPRESENTATIVE ON THE HUMAN RIGHTS COMMISSION.

QUOTE

STATEMENT BY MR. LEONARD GARMENT, UNITED STATES  
REPRESENTATIVE ON THE HUMAN RIGHTS COMMISSION, IN  
THE SOCIAL COMMITTEE MEETING ON APRIL 30, 1976

I WISH TO TAKE THIS OCCASION TO SUMMARIZE THE  
VIEWS OF MY GOVERNMENT TOWARD THE WORK OF THE HUMAN  
RIGHTS COMMISSION. THE UNITED STATES HAS BEEN DEEPLY  
INVOLVED IN EFFORTS TO DEVELOP AN EFFECTIVE INTERNATIONAL  
SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS SINCE THE  
EARLIEST DAYS OF THE UNITED NATIONS SYSTEM. CONCEPTS  
OF INDIVIDUAL FREEDOM AND HUMAN RIGHTS ARE FUNDAMENTAL  
TO THE AMERICAN SOCIETY. WE ARE AS CONSCIOUS OF OUR  
FAILURES IN THIS FIELD AS WE ARE PROUD OF OUR SUCCESSES,  
WHICH IS TO SAY THAT HUMAN RIGHTS ISSUES ARE ALWAYS  
AMONG OUR HIGHEST NATIONAL PRIORITIES. WHEN SOME AMONG  
US FORGET, OTHERS REMEMBER-SO VOICES DEMANDING  
VIGILANCE ARE ALWAYS HEARD.

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AGAINST THIS BACKGROUND, I WANT TO EXPRESS THE

PROFOUND DISAPPOINTMENT OF THE UNITED STATES NOT ONLY WITH THE WORK OF THE LAST SESSION OF THE HUMAN RIGHTS COMMISSION, BUT WITH THE COMMISSION'S OVER-ALL RECORD.

CERTAINLY THERE ARE CONSTRUCTIVE ELEMENTS IN THIS RECORD, PARTICULARLY IN THE EARLY DEVELOPMENT OF BASIC HUMAN RIGHTS INSTRUMENTS, AND IN THE DOCUMENTATION OF THE CONTINUING BARBARISMS OF APARTHEID. BUT WITH INCREASINGLY FEW EXCEPTIONS, IT IS A RECORD OF UNFINISHED WORK, WORK ON SUBJECTS OF UTMOST IMPORTANCE, THAT, TIME AND AGAIN HAS BEEN FRUSTRATED, AVOIDED OR POSTPONED. IT IS A RECORD OF SELECTIVE ACTION WHICH SUBORDINATES THE SUFFERING OF INDIVIDUALS TO THE CONVENIENCE OF STATES. IT IS A RECORD OF A MAJORITY, REGULARLY ACTING WITHOUT REGARD FOR THE INTERESTS OF THE MINORITY. AND IT IS A RECORD OF THE EGREGIOUS MISUSE OF PROCEDURAL POWERS TO THWART THE UNIVERSAL PROTECTION OF HUMAN RIGHTS.

MR. CHAIRMAN, THERE ARE THREE SUBSTANTIVE MATTERS RELATED TO THE REPORT AND ONE GENERAL MATTER OF PROCEDURE THAT I SHOULD NOW LIKE TO DISCUSS BRIEFLY.

FIRST, I WOULD LIKE TO JOIN WITH THOSE OF MY COLLEAGUES WHO HAVE COMMENTED HERE ON THE FAILURE OF THE COMMISSION TO GIVE SUBSTANCE TO RESOLUTION 1503. THE UNITED STATES HAS BEEN A CONSISTENT AND STRONG SUPPORTER OF THIS PROCEDURE FOR DEALING WITH PRIVATE COMPLAINTS OF HUMAN RIGHTS VIOLATIONS. THE COMMISSION, HOWEVER, HAS PERSISTENTLY DECLINED TO EXERCISE ITS INVESTIGATIVE AUTHORITY IN ANY OF THE CASES OF FLAGRANT HUMAN RIGHTS VIOLATION REFERRED TO IT UNDER 1503. WE CONTINUE TO SUPPORT THE PROCEDURE BECAUSE IT PROVIDES AT LEAST A THEORETICAL OPPORTUNITY TO TURN THE ATTENTION OF THE COMMISSION TO SITUATIONS INVOLVING HUMAN RIGHTS VIOLATIONS OTHER THAN THOSE FEW WHICH REGULARLY RECEIVE ITS SPECIAL AND PROLONGED ATTENTION. BUT THE RECORD IS BLEAK; AND OUR BELIEF IN THE EFFICACY OF UNCLASSIFIED

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1503 DIMINISHES AS YEARS PASS WITHOUT COMMISSION AUTHORIZATION OF A SINGLE STUDY OR OTHER PROCEEDING. THE PROCESS OF ABSTENTION IN THE CLOSED PROCEEDINGS UNDER 1503, COUPLED WITH THE SELECTIVE NATURE OF THE PUBLIC DENUNCIATIONS, HAS BROUGHT THE COMMISSION TO THE POINT OF BEING GENERALLY DISCREDITED AS AN INSTRUMENT FOR ACHIEVING EQUAL HUMAN RIGHTS JUSTICE. AND BEYOND A CERTAIN POINT, THE COMMISSION WILL FIND IT DIFFICULT

TO DEFEND ITSELF FROM THE CHARGE OF COMPLICITY IN  
HUMAN RIGHTS VIOLATIONS IF ITS PAPER PROCEDURES CONTINUE  
TO BE ABUSED BY MISUSE OR BY NON-USE.

WITH REGARD TO THE TWELVE RESOLUTIONS APPROVED  
BY THE COMMISSION, THE UNITED STATES DRAWS PARTICULAR  
ATTENTION TO RESOLUTION 5, WHICH PURPORTS TO DECLARE  
THE RIGHT TO LIFE AND PEACE AS THE PRIMARY HUMAN RIGHT.  
THIS RESOLUTION, PUT FORWARD AND ADOPTED AS SO-CALLED  
COMPROMISE, IS NO COMPROMISE AT ALL. ITS EFFECT IS  
TO DETERMINE THE BALANCED STRUCTURE OF THE UNIVERSAL  
DECLARATION OF HUMAN RIGHTS WHICH ACCORDS NO SUCH  
TRANSCENDENT PRIORITY TO INTERNATIONAL PEACE AND SECURITY.  
IT ALSO CONFLICTS WITH THE LABORIOUSLY ACHIEVED  
HUMAN RIGHTS BALANCE INCORPORATED IN THE FINAL ACT AT  
HELSINKI. THE UNITED STATES WANTS IT CLEARLY UNDERSTOOD  
THAT IT WILL NOT ACCEPT OR ACKNOWLEDGE AS HAVING ANY  
FORCE A RESOLUTION OF THE HUMAN RIGHTS COMMISSION  
WHICH ATTEMPTS TO ALTER THE UNIVERSAL DECLARATION  
OF HUMAN RIGHTS, OR TO MODIFY THE MEANING OF THE  
HELSINKI FINAL ACT. THE UNITED STATES WILL NEVER  
ACCEPT THE PROPOSITION THAT THE SECURITY OF THE STATE  
IS OF HIGHER VALUE THAN THE PROTECTION OF THE INDIVIDUAL  
FROM ABUSE BY THE STATE.

THE APPARENT DEAD END CONFRONTING THE DRAFTERS  
OF THE DECLARATION RELATING TO RELIGIOUS INTOLERANCE  
IS ANOTHER DISCOURAGING REALITY. NOT EVEN A  
HUNDRED MEETINGS OF A WORKING GROUP CAN OVERCOME  
THE OBSTRUCTIONIST TACTICS, RESOURCEFULLY AND TIRELESSLY  
EMPLOYED BY REPRESENTATIVES OF MEMBER STATES WHOSE  
OBJECTIVE IN RELATION TO THIS ITEM IS A SIMPLE ONE:  
TO FORESTALL ANY DECLARATION THAT ADVANCES THE PROTECTION  
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OF RELIGION AND BELIEF BEYOND THE MINIMUM STANDARDS  
NOW RECOGNIZED IN BASIC UNITED NATIONS INSTRUMENTS.  
THIS IS A FACT WHICH MUST BE ACCEPTED IF WE ARE TO  
AVOID WASTING TIME, FOSTERING ILLUSTIONS, OR,  
WORST OF ALL, RUNNING THE RISK OF DRAFTING A DOCUMENT  
THAT IS ACTUALLY MORE HURTFUL THAN HELPFUL TO THE  
CAUSE OF RELIGIOUS FREEDOM. THE EFFORT IS TOO  
IMPORTANT TO ABANDON. BUT IT IS ESSENTIAL THAT WE  
CONSIDER ALTERNATIVE STRATEGIES THAT ARE MORE LIKELY  
TO PRODUCE CONSTRUCTIVE STRATEGIES THAT ARE MORE  
LIKELY TO PRODUCE CONSTRUCTIVE ACTION IN THE  
FORESEEABLE FUTURE THAN THE COURSE WE ARE PRESENTLY  
PURSUING.

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FINALLY, A WORD ABOUT THE DECISION TO CONDUCT ALL MEETINGS OF THE HUMAN RIGHTS COMMISSION IN GENEVA. HOWEVER THIS DECISION WAS MADE, AND FOR WHATEVER REASONS, THE UNITED STATES BELIEVES IT SHOULD BE RECONSIDERED. THE PRACTICE OF ALTERNATING MEETINGS BETWEEN NEW YORK AND GENEVA SERVED THE DESIRABLE PURPOSE OF GENERATING GREATER INFORMATION AND INTEREST ABOUT THE COMMISSION AND ITS ACTIVITIES. THE RESULT WAS MORE INFORMATION AND MORE INTEREST. OUR OBJECTIVE SHOULD BE THE MAXIMUM INTERACTION BETWEEN THIS MAJOR HUMAN RIGHTS AGENCY AND THE COMMUNITIES AND ENTITIES THAT INFORM IT, CRITICIZE IT, AND GIVE SUBSTANCE TO ITS WORK. THAT OBJECTIVE IS NOT SERVED BY HOLDING A SINGLE ANNUAL MEETING IN GENEVA.

IN SUM, THE DOUBTS WHICH EXISTED AND WERE MULTIPLYING EVEN BEFORE THE 32 ND SESSION OF THE COMMISSION AS TO ITS ABILITY TO DEAL FORCEFULLY AND IMPARTIALLY WITH HUMAN RIGHTS PROBLEMS WERE CONFIRMED BEYOND FAIR QUESTION BY THE THIS MOST RECENT SESSION. THE RECORD OF THAT SESSION REPRESENTED AN ALMOST UNRELIEVED FAILURE, A DISSERVICE TO THE EARLY HISTORY AND HOPES OF THE COMMISSION AND A WARNING THAT REFORM IS URGENT IF THE VIABILITY OF THE COMMISSION AS A CREDIBLE INSTRUMENT FOR THE UNIVERSAL PROTECTION OF HUMAN RIGHTS IS TO BE AT ALL PRESERVED.

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MR. CHAIRMAN, I RECOGNIZE THAT THIS IS A CHEERLESS INVENTORY. BUT IT IS A FRANK STATEMENT OF MY GOVERNMENT'S VIEW. AND UNLESS WE FIRST CONFRONT THE REALITY OF THE PROBLEMS THAT PARALYZE THE COMMISSION, THERE IS NOT THE SLIGHTEST CHANCE OF ACCOMODATING, EVEN IN A LIMITED WAY, THE DIFFERENCES THAT DIVIDE US. IT MAY WELL BE THAT IN AGOVERNMENT-TO-GOVERNMENT SETTING, POLITICS AND IDEOLOGY ARE BOUND TO DOMINATE THE AGENDA, THE DEBATE, AND THE VOTE. EVEN SO, THERE ARE SOME ABSOLUTELY FUNDAMENTAL HUMAN RIGHTS ISSUES-FOR EXAMPLE, THE TORTURE OR MISTREATMENT OF POLITICAL AND OTHER DETAINEES-- ON WHICH THE COMMISSION SHOULD BE ABLE TO COME CLOSER TO THE IDEA OF UNIVERSALITY. IN SHORT, IT MAY BE THAT THE COMMISSION SHOULD ATTEMPT TO DO FEWER THINGS. PERHPAS IT CAN THEN DO THEM BETTER. IT IS A LEAST WORTHWHILE, INDEED IT IS ESSENTIAL, THAT WE CONTINUE TO TRY. I ASSURE YOU THAT THE UNITED STATES WILL NEVER ABANDON THAT EFFORT.

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BENNETT

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